MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): It is asked in part (*c*) of the question 'whether recruitment of new persons, in the *presence* of persons who have acted, is permissible'. I want to know whether Government have ordered that persons once appointed must be *present* when new appointments are made. (*Laughter.*)

PRESIDENT: The member really does not expect any answer; he can answer it himself.

MR. K. R. ELENKATH (*Kalkulam I*): With reference to part (*b*), may I know the communities to which the two persons belong?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): One is a Muslim and the other is a Veluthedathu Nair.

Motor checking in the Nedumangad Taluk.

297. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether the Taluk Tahsildar, Nedumangad is specially empowered to check the Service Motor Buses in the taluk:

(*b*) how many buses the Taluk Tahsildar has checked during the course of the year (1109) till the end of Medam 1109; and

(*c*) how many cases of motor offence the Taluk Tahsildar has taken cognizance of and reported to the Police Station at Nedumangad and to the Magistrate's Court?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): (*a*) No.

(*b*) Two.

(*c*) None.

MR. S. J. NAIR (*Nedumangad*): I did not hear the answer to part (*b*).

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The answer is 'Two'.

MR. S. J. NAIR (*Nedumangad*): May I know how, in the face of the answer to part (*a*), the Tahsildar took up two cases?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Though the Tahsildar has not been *specially* empowered, he has got latent and potential powers which he could exercise.

MR. S. J. NAIR (*Nedumangad*): May I know the nature of the dormant or latent or potential powers of the Nedumangad Tahsildar?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I believe he has first class or second class Magistrate's powers.

MR. S. J. NAIR (*Nedumangad*): Can he exercise the magisterial powers when there is a Stationary Second Class Magistrate there?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He can call up his powers whenever he wants.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Tahsildar can excercise Second Class Magistrate's powers in the presence of the Stationary Magistrate?

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PRESIDENT : I do not quite understand what exactly you mean by *'in the presence of'*.

MR. S. J. NAIR (*Nedumangad*) : The Government member informed the House that the Tahsildar had dormant Magistrate's powers vested in him. So long as there is the Stationary Second Class Magistrate in Nedumangad, I am at a loss to know how the Tahsildar can exercise magisterial powers.

PRESIDENT : The Honourable member must be aware that this practice is not peculiar to Travancore. In British India also, the Tahsildars exercise magisterial powers, if and when necessary, even in places where there is a Stipendiary Magistrate on the spot. Such Stipendiary Magistrate will attend to such work as the Government or the District Magistrate or the High Court have empowered him to do. There is nothing peculiar in this matter in this country.

MR. S. J. NAIR (*Nedumangad*) : May I know whether, without the orders of the Government or the District Magistrate, the Tahsildar could exercise second class magisterial powers ?

PRESIDENT : *Suo motu*, that is to say, of his own accord I think that is your question. I can answer the question myself. The answer is, no.

MR. S. J. NAIR (*Nedumangad*) : Then may I know whether what he has done is legal ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : There is nothing illegal about it.

MR. S. J. NAIR (*Nedumangad*) : May I know whether it is *ultra vires* ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : It is quite *intra vires*.

MR. K. PADMANABHAN (*Chirayinkil I*) : May I know from the member whether Mr. S. J. Nair has put these questions because he happened to travel in one of the buses that had to wait for some time for the sake of the Nedumangad Tahsildar ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : The answer to the question could be supplied by Mr. S. J. Nair himself.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know from the member whether all Tahsildars are not potential Magistrates under the G. O. ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : They may or may not be.

PRESIDENT : The clock has struck twelve and the time allotted for questions and answers has expired. As on the last occasion, if the House so wishes, I have no objection to allow the questions and answers which ought to have been delivered on the floor of the House

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